

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI, and THOMAS SNYDER,

Plaintiffs,

Case No. 07-Civ-1215 (SJF)(ETB)

v.

DECLARATION OF
KENNETH A. NOVIKOFF

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually and in
his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT:
OF CIVIL SERVICE; and ALISON SANCHEZ,
individually and in her official capacity,

Defendants.

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Kenneth A. Novikoff, Esq., declares under penalty of perjury pursuant to 28 U.S.C. §
1746 as follows:

1. I am a Partner of Rivkin Radler LLP, attorneys for Defendants, Incorporated Village of Ocean Beach, Mayor Joseph C. Loeffler, Jr., individually and in his official capacity, former mayor Natalie K. Rogers, individually and in her official capacity, and the Ocean Beach Police Department, (collectively "Village Defendants"), in this matter, and as such, I am fully familiar with the facts and circumstances set forth herein. I respectfully submit this Declaration in support of the Village Defendants' motion for an Order pursuant to Fed. R. Civ. P. 56, granting the Village Defendants summary judgment dismissing the Complaint of Plaintiffs,

Edward Carter, Frank Fiorillo, Kevin Lamm, Joseph Nofi, and Thomas Snyder (collectively "Plaintiffs"), as it applies to the Village Defendants.

2. Annexed hereto as Exhibit "A" is a true and accurate copy of Plaintiffs' Complaint in this action, dated March 21, 2007.

3. Annexed hereto as Exhibit "B" is the deposition transcript of Plaintiff, Edward Carter, dated September 16, 2008.

4. Annexed hereto as Exhibit "C" is the deposition transcript of Plaintiff, Frank Fiorillo, dated February 20, 2009.

5. Annexed hereto as Exhibit "D" is the deposition transcript of Plaintiff, Kevin Lamm, dated November 19, 2008.

6. Annexed hereto as Exhibit "E" is the deposition transcript of Plaintiff, Joseph Nofi, dated September 9, 2008.

7. Annexed hereto as Exhibit "F" is the deposition transcript of Plaintiff, Thomas Snyder, dated September 24, 2009

8. Annexed hereto as Exhibit "G" are selected excerpts of the deposition transcript of Edward Paradiso, dated July 27, 2009 and July 29, 2009.

9. Annexed hereto collectively as Exhibit "H" are selected excerpts of the deposition transcript of Mary Anne Minerva, dated November 7, 2008.

10. Annexed hereto collectively as Exhibit "I" are selected excerpts of the deposition transcript of Defendant George Hesse, dated June 3, 2009, June 16, 2009 and August 6, 2009.

11. Annexed hereto collectively as Exhibit "J" are selected excerpts of the deposition transcript of Defendant Mayor Joseph Loeffler, dated, February 25, 2009

12. Annexed hereto collectively as Exhibit "K" are selected excerpts of the deposition transcript of Defendant Natalie Rogers, dated November 24, 2008.

13. Annexed hereto as Exhibit "L" is a true and accurate copy of the "Police Officer Part-Time/ Seasonal" job description from the Suffolk County Civil Service Department's website, <http://www.co.suffolk.ny.us/civilservice/specs/5001spe.html>.

14. Annexed hereto as Exhibit "M" is a true and accurate copy of Defendant George Hesse's Responses and Objections to Plaintiffs' Second Set of Interrogatories, dated August 5, 2009.

15. Annexed hereto collectively as Exhibit "N" are true and accurate copies of excerpts from the *Schwartz Report* blog, www.theschwartzreport.com, dated April 5, 2006 through March 31, 2007, as referenced in Exhibit "M" above.

Dated: Uniondale, New York
October 14, 2009

s/
Kenneth A. Novikoff (KAN-0350)